



# Oregon

Kate Brown, Governor

Department of Agriculture

635 Capitol St NE  
Salem, OR 97301-2532

June 21, 2018

Jerry Lidz, Chair  
Oregon Land Conservation and Development Commission  
635 Capitol Street N.E.  
Salem, Oregon 97301



Dear Chair Lidz:

The Oregon Board of Agriculture met in Hood River June 5-7, 2018. The issue of the siting energy transmission and generation facilities on agricultural lands presented itself at several times during the meeting. The Board considered and adopted a resolution that addresses their position on the siting of energy transmission and generation facilities on agricultural lands. A copy of this resolution is attached. The issues addressed in this resolution have been discussed by the Board and its land use subcommittee quite a while.

The Board also heard from several parties during the course of the meeting about their concerns about the siting of solar generation facilities on agricultural lands. These included:

1. Recent decisions by local government that include interpretations of LCDC rules that allow for the by-pass the exceptions process. This includes a decision that found that a solar facility did not preclude agricultural from production because pollinator habitat and an associated apiary would be developed between the rows of solar panels. The Departments of Agriculture and Land Conservation and Development filed joint comments expressing shared interpretation and concerns.

Since this decision has been made public, there is knowledge of applications being made in other parts of the state based on the same "farm use" interpretation.

2. The number of approved and pending applications on highly productive agricultural in the Willamette Valley, southern and central Oregon.
3. The independent actions by two Willamette Valley counties to preclude the siting of solar generation facilities on EFU lands while they initiate amendments to their zoning codes to better address such siting's.
4. The need to address the situation as soon as possible.

Jerry Lidz, Chair  
June 19, 2018  
Page 2

As you may recall, the Board of Agriculture has already asked that the Land Conservation and Development Commission (LCDC) initiate an analysis and rulemaking related to the siting of solar energy generation facilities on lands designated exclusive farm use. We are aware that the LCDC has committed to initiating a rulemaking process in September of 2019. After listening to comments from the public and the Board discussion related to the adoption of the attached resolution, the Board unanimously voted to request that the LCDC initiate emergency rulemaking to address this situation as soon as possible.

The Board of Agriculture is concerned that in light of the current situation described above, that a September timeline to start a process is not responsive to the situation currently at hand. The Board of Agriculture believes that a narrowly focused amendment to the current rules that would clarify the regulatory intent of the LCDC by addressing the “loopholes” which are being used to bypass the intended planning process and avoid consideration of the cumulative impacts to agricultural lands and operations merits immediate action by the LCDC. A more comprehensive analysis and response could follow later.

Thank you for giving our request your full consideration and attention.

Respectfully,



Barbara Boyer  
Chair

Enclosure

Cc: BOA Members  
Jason Miner, Natural Resources Policy Manager, Office of the Governor

# Oregon State Board of Agriculture Resolution

**Title:** Siting of energy transmission and generation facilities on agricultural land

**Sub-Committee:** Land Use

**Number:** New  
**Effective date:** June 2018

**Chair:** Barbara Boyer

**Signature on file**

## Background

WHEREAS, the State Board of Agriculture has heard from the agricultural community about concerns related to the location and development of power transmission facilities through agricultural lands, including underground and above ground transmission lines and land intensive generation facilities on highly productive agricultural lands.

WHEREAS, energy produced from renewable sources is an important part of the future for our state and nation.

WHEREAS agriculture is both land and soil dependent, while the siting of energy related facilities does not require soils with a high capability for agricultural production.

WHEREAS, deliberations regarding designation and treatment of agricultural lands under the statewide land use planning program have included consideration of actions that designate or treat differently lands zoned exclusive farm use based solely on soil quality without accounting for other factors that are conducive to the production of high-value agricultural products, including livestock.

WHEREAS numerous applications to develop solar energy generation have been or are under review throughout the state, but especially in the Willamette Valley on highly productive agricultural lands. This has led several counties to amend or consider amending their land use codes to limit beyond state law the siting of solar energy generation on agricultural lands.

WHEREAS the existing state "exceptions process" provides for the consideration and location of land uses otherwise not permitted when reasons merit

WHEREAS, the State Board of Agriculture has been contacted by the State Soil and Water Conservation Commission regarding concerns it has related to the increased development of agricultural lands by solar energy generation facilities. In response to the letter from the Soil and Water Conservation Commission the Board discussed issues related to the siting of solar energy generation facilities on productive farmland and expressed several concerns related to location on productive agricultural lands. The discussion by the Board resulted in a written request to the Land Conservation and Development Commission (LCDC) asking that LCDC initiate an evaluation of the current administrative rules related the siting of solar facilities on lands zoned exclusive farm use.

## Resolution

Be it resolved that the Oregon State Board of Agriculture is concerned about the conversion of high-value and productive farmland and the implications to ongoing and future agricultural operations by energy facility development on lands zoned exclusive farm use.

The Board:

1. Recognizes that energy produced from renewable sources is an important part of the future for our state and nation. We support developing renewable energy facilities at appropriate locations.
2. Recommends an evaluation by the Land Conservation and Development Commission of existing administrative rules related to the siting of energy facilities on land zoned exclusive farm use.
3. Supports establishing review criteria to evaluate not only the individual impact of proposed energy development on agricultural lands, but also the cumulative impacts of existing and potential similar nonfarm land use on agricultural operations.
4. Supports the evaluation of the impacts of proposed linear energy transmission facilities on agricultural operations that focuses on individual segments of a linear facility that are comprised of similar agricultural characteristics.
5. Supports better definition of highly productive farmland (instead of “high-value farmland”) based on multiple factors such as soils, crop types, operational characteristics, and developed agricultural infrastructure.
6. Supports land use regulations that afford greater protection for highly productive farmland including, land use requirements that preclude the location of energy facilities on highly productive or less valuable farmland when otherwise reasonable alternatives exist.
7. Supports evaluation and reconsideration of existing land use regulation that promotes serial development of energy facilities to skirt other more stringent review standards.